HITCHCOCK COUNTY PLANNING COMMISSION

Trenton, Nebraska June 17, 2014

The Hitchcock County Planning Commission met as duly published in the *Hitchcock County News* on Tuesday, June 17, 2014 at 6:45 p.m. in the Community Room, Hitchcock County Courthouse. Present were members: Robert Brown, Wayne Merrill, John Rundel, and Dustin Webb. Absent were members: Tom Monnahan and Rich Hampton. Also present were Darin Morgan, Zoning Administrator, Andrea Richards, Recording Secretary, and D. Eugene Garner, Hitchcock County Attorney.

Opening Statement, was read by Ladenburger. It states: *It is the policy of the board that the formation of public policy is public business and may not be conducted in secret. The board conducts its business in accordance with the open meetings act.*

Chairperson Ladenburger called the meeting to order at 6:52 P.M.

Chairperson Ladenburger requested roll call. Those answering roll call were Brown, Merrill, Ladenburger, Rundel, and Webb. Absent were Monnahan and Hampton. Chairperson Ladenburger declared a quorum present and proceeded with the meeting.

The minutes of the May 20, 2014 meeting were reviewed. Rundel made a motion to approve said minutes as submitted. Merrill seconded the motion. Roll call vote taken: Merrill – Aye; Ladenburger – Aye; Brown – Aye; Webb – Aye; Rundel – Aye. Monnahan and Hampton absent. Motion carried.

Hitchcock County Zoning Administrator, Darin Morgan, informed the Commission that he had no report.

Chairperson Ladenburger opened the public hearing at 7:03 P.M. to hear the applicant and all comments thereon from the public in attendance and to receive evidence regarding the Application for Conditional Use submitted by T&K Ventures, LLC to build a 130' x 60' building with shop and office space for an excavation company, to be located on Lot 1 of the *Castaway Parkway Subdivision Filing #1*, being a part of the S½ of Section 32, Township 3 North, Range 33 West, Hitchcock County, Nebraska.

Tracy and Kari Peter of T&K Ventures, LLC presented the application and provided an overview of the project.

Zoning Administrator Morgan presented his *Staff Report* to the Commission.

Chairperson Ladenburger asked if there were any comments from proponents of the application and there were none. Chairperson Ladenburger asked if there were any comments from opponents and there were none. Chairperson Ladenburger asked if there were any neutral comments and there were none.

Chairperson Ladenburger closed the public hearing at 7:17 P.M.

Brown moved to recommend to the Hitchcock County Board of Commissioners, APPROVAL of the Conditional Use submitted by T&K Ventures, LLC, to build a 130' x 60' building with shop and office space for an excavation company, to be located on Lot 1 of the *Castaway Parkway Subdivision Filing #1*, being a part of the S½ of Section 32, Township 3 North, Range 33 West, Hitchcock County, Nebraska, as set forth in the Survey & Plat presented with said Application, and to add the following condition(s): (1) Refer to *Staff Report* dated June 6, 2014, submitted by Darin Morgan, Hitchcock County Zoning Administrator; and (2) fully adopted and executed "Castaway Parkway Declaration of Covenants and Restrictions" must be duly recorded of record in the Hitchcock County Clerk's office. Merrill seconded.

Discussion was had, and the Hitchcock County Planning Commission finds that the requested conditional use of said land is consistent with the *Hitchcock County Comprehensive Plan* and is permitted as a conditional use in the RCI – Rural Commercial – Industrial District pursuant to Section 502.05(1) on those conditions as

recommended in the Staff Report submitted by Zoning Administrator Morgan.

After discussion roll call was taken to vote on the motion – Merrill – Aye; Ladenburger – Aye; Brown – Aye; Webb – Aye; Rundel – Aye. Monnahan and Hampton absent. Motion carried.

Rundel moved and Brown seconded to authorize and direct the Chairperson of the Hitchcock County Planning Commission to execute the formal written recommendation of the Planning Commission for and on behalf of the full body of the Planning Commission, and after discussion roll call was taken to vote on the motion – Merrill – Aye; Ladenburger – Aye; Brown – Aye; Webb – Aye; Rundel – Aye. Monnahan and Hampton absent. Motion carried.

Chairperson Ladenburger opened the public hearing at 7:22 P.M. to hear all comments from the public in attendance and to hear testimony and receive evidence regarding the Application for Conditional Use submitted by Paul Dwyer to build a 60' x 90' building for light industrial use for the production of hydraulic hoses and fittings, to be located on Lot 4 of the *Castaway Parkway Subdivision Filing #1*, being a part of the S½ of Section 32, Township 3 North, Range 33 West, Hitchcock County, Nebraska.

Tracy and Kari Peter, on behalf of Paul Dwyer, presented the application and provided an overview of the project.

Zoning Administrator Morgan presented his *Staff Report* to the Commission.

Chairperson Ladenburger asked if there were any comments from proponents of the application and there were none. Chairperson Ladenburger asked if there were any comments from opponents and there were none. Chairperson Ladenburger asked if there were any neutral comments and there were none.

Chairperson Ladenburger closed the public hearing at 7:26 P.M.

Merrill moved to recommend to the Hitchcock County Board of Commissioners, APPROVAL of the Conditional Use submitted by Paul Dwyer to build a 60' x 90' building for light industrial use for the production of hydraulic hoses and fittings, to be located on Lot 4 of the *Castaway Parkway Subdivision Filing #1*, being a part of the S½ of Section 32, Township 3 North, Range 33 West, Hitchcock County, Nebraska as set forth in the Survey & Plat presented with said Application, and to add the following condition(s): (1) Refer to *Staff Report* dated June 6, 2014, submitted by Darin Morgan, Hitchcock County Zoning Administrator; and (2) fully adopted and executed "Castaway Parkway Declaration of Covenants and Restrictions" must be duly recorded of record in the Hitchcock County Clerk's office. Brown seconded.

Discussion was had, and the Hitchcock County Planning Commission finds that the requested conditional use of said land is consistent with the *Hitchcock County Comprehensive Plan* and is permitted as a conditional use in the RCI – Rural Commercial – Industrial District pursuant to Section 502.05(1) on those conditions as recommended in the Staff Report submitted by Zoning Administrator Morgan.

After discussion roll call was taken to vote on the motion – Merrill – Aye; Ladenburger – Aye; Brown – Aye; Webb – Aye; Rundel – Aye. Monnahan and Hampton absent. Motion carried.

Rundel moved and Brown seconded to authorize and direct the Chairperson of the Hitchcock County Planning Commission to execute the formal written recommendation of the Planning Commission for and on behalf of the full body of the Planning Commission, and after discussion roll call was taken to vote on the motion – Merrill – Aye; Ladenburger – Aye; Brown – Aye; Webb – Aye; Rundel – Aye. Monnahan and Hampton absent. Motion carried.

Chairperson Ladenburger opened the public hearing at 7:29 P.M. to hear the applicant and all comments thereon from the public in attendance and to receive evidence regarding the Application for Conditional Use submitted

by Kari Peter to develop a 12 spot RV park to be located on Lot 7 of the *Castaway Parkway Subdivision Filing #1*, being a part of the S½ of Section 32, Township 3 North, Range 33 West, Hitchcock County, Nebraska.

Tracy and Kari Peter presented the application and provided an overview of the proposed project.

Zoning Administrator Morgan presented his *Staff Report* to the Commission.

Chairperson Ladenburger asked if there were any comments from proponents of the application and there were none. Chairperson Ladenburger asked if there were any comments from opponents and there were none. Chairperson Ladenburger asked if there were any neutral comments and there were none.

Chairperson Ladenburger closed the public hearing at 7:44 P.M.

Merrill moved to recommend to the Hitchcock County Board of Commissioners, APPROVAL of the Conditional Use Application filed by Kari Peter to develop a 12 spot RV park to be located on Lot 7 of the *Castaway Parkway Subdivision Filing #1*, being a part of the S½ of Section 32, Township 3 North, Range 33 West, Hitchcock County, Nebraska, and to add the following condition(s): (1) Refer to *Staff Report* dated June 6, 2014, submitted by Darin Morgan, Hitchcock County Zoning Administrator; and (2) fully adopted and executed "Castaway Parkway Declaration of Covenants and Restrictions" must be duly recorded of record in the Hitchcock County Clerk's office. Webb seconded.

Discussion was had, and the Hitchcock County Planning Commission finds that the requested conditional use of said land is consistent with the *Hitchcock County Comprehensive Plan* and is permitted as a conditional use in the AG-G General Agricultural District pursuant to Section 501.06(10),) on those conditions as recommended in the Staff Report submitted by Zoning Administrator Morgan; is comparable with the other uses permitted as conditional uses in said district; is compatible with the uses permitted in said district; and is consistent with intent of said district.

After discussion roll call was taken to vote on the motion – Merrill – Aye; Ladenburger – Aye; Brown – Aye; Webb – Aye; Rundel – Aye. Monnahan and Hampton absent. Motion carried.

Rundel moved and Merrill seconded to authorize and direct the Chairperson of the Hitchcock County Planning Commission to execute the formal written recommendation of the Planning Commission for and on behalf of the full body of the Planning Commission, and after discussion roll call was taken to vote on the motion – Merrill – Aye; Ladenburger – Aye; Brown – Aye; Webb – Aye; Rundel – Aye. Monnahan and Hampton absent. Motion carried.

There was no old business. There was no new business. General discussion was held regarding the Conditional Use process and the application form.

The next meeting tentatively scheduled for July 22, 2014 at 7:00 P.M. to review any Conditional Use Application(s) then properly pending. The next regular quarterly meeting was previously scheduled for Tuesday, September 23, 2014 at 7:00 P.M.

There being no further business before the Commission, Chairperson Ladenburger adjourned the meeting at 8:19 P.M.

/s/ Wayne Merrill
Wayne Merrill, Secretary

/s/ Andrea Richards
Andrea Richards, Recording Secretary

HITCHCOCK COUNTY BOARD OF ADJUSTMENT

Trenton, Nebraska
October 14, 2014

The Hitchcock County Board of Adjustment met on Tuesday, October 14th, 2014 at 3:00 p.m. in the Community room, Hitchcock County Courthouse, 229 East D Street, Trenton, Nebraska.

Chair Garner called the meeting to order and read the open meetings statement as follows: It is the policy of the board that the formation of public policy is public business and may not be conducted in secret. This board conducts its' business in accordance with the open meetings act. The roll was called and the following members were present: Doug Garner, Robert Brown, Roland Miller Frank Stehno, Paul Forch and Chris Williamson. Also present were County Attorney D. Eugene Garner, recording secretary Margaret Pollmann and Chris Maris representing applicant.

Notice of the meeting was given in advance thereof by publication in the Hitchcock County News, the designated method for giving notice. Notice of this meeting was given to the Chair and all members of the Board. The agenda was also posted on the county's website http://www.hitchcockcounty.ne.gov. Availability of the agenda was communicated in the advance notice and in the notice to the Chair and the Board. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public. Chair publicly stated to all in attendance that a current copy of the Nebraska Open Meetings Act was available for review and indicated the location of such copy in the room where the meeting was being held.

Member Miller moved to dispense with the reading of the January 17th, 2014 meeting minutes as they had been previously reviewed and to approve and accept said minutes. The motion was seconded by Forch and after consideration the following members voted in favor of said motion: Forch, Miller, Garner, Brown, Stehno, and Williamson. Motion carried.

Chair Garner recessed the meeting at 3:10 p.m. in order to enter into a public hearing to hear the applicant and all comments thereon from the public in attendance and to receive evidence regarding the Application for a Variance to the Requirement of Zoning Regulations filed by Gerald Maris for construction of a three stall garage in the General Agricultural District on land located on Part of the NW¼ of the NE¼ of Section 3, Township 3 North, Range 31, West of the 6th P.M., Hitchcock County, Nebraska.

Chair Garner opened the public hearing at 3:11 p.m. and asked that Chris Maris advise as to the duly filed application for variance. Mr. Maris briefly described the reason for the application and the details regarding construction and the need for a variance to the zoning regulations. Further Mr. Maris advised that at least two area/adjacent property owners were contacted and were not in opposition of the proposed variance.

Discussion was held regarding finding requirements found in Article 9 Section 907 of the Zoning Regulations.

Chair Garner asked for testimony from those who were in favor of the variance. Mr. Maris offered that he was in favor of being granted said variance for reasons previously stated.

Chair asked for testimony from those who were in opposition to granting the variance. There being none, Chair asked for testimony from those in a neutral position. There were none.

The following exhibits were received by Chair Garner for consideration by the board:

- Exhibit #1 – Survivorship Warrant Deed filed 11-7-95 in Book 63 Page 119
- Exhibit #2 – Warrant Deed filed 3-15-11 in Book 69 Page 455
- Exhibit #3 – Joint Tenancy Warranty Deed filed 7-13-87 in Book 58 Page 171
- Exhibit #4 – Warranty Deed filed 4-20-01 in Book 65 Page 521

- Exhibit #5 – Survivorship Warranty Deed filed 5-15-86 in Book 57 Page 489
- Exhibit #6 - Warranty Deed filed 9-20-07 in Book 68 Page 173
- Exhibit#7 - Warranty Deed filed 9-5-91 in Book 60 Page 637
- Exhibit #8 – Right of Way Easement filed 3-30-81 in Book 49 Page 137
- Exhibit #9 – Meeting Notice & Notice of Public Hearing
- Exhibit #10 – Certificate of Mailing on Notice of Public Hearing
- Exhibit #11 – Zoning Administrators Staff Report dated October 13, 2014

Chair asked for any further documents to be offered for consideration. There were none.

Chair Garner declared the public hearing concluded at 3:28 p.m. this date and re-entered board of adjustment regular meeting.

Chair inquired as to whether any of the board members had any conflict of interest regarding the application being considered. No conflicts were declared.

Member Forch moved to make the following findings pursuant to Hitchcock County Zoning Regulations Section 907.03:

1. The strict application of the regulations would produce undue hardship: The variance will not in any way be a detriment to adjacent properties and the character of the district will not be changed by the granting of such variance; applicant is desirous of improving the property and the one acre was purchased prior to implementation of zoning regulations.

2. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity: There will be no change in land use; the issue is not similar to other properties in the vicinity as they are part of larger farm sites/acreages.

3. The authorization of such variance shall not be of substantial detriment to adjacent properties and the character of the district will not be changed by the granting of such variance; granting a variance will be in harmony with the purpose and intent of the resolution and will not be injurious to adjacent lands or otherwise detrimental to the public welfare; this board encourages new construction/improvements to property in the County; all adjacent land owners notified as evidenced by Exhibit #10 but were not in attendance.
4. The granting of such variance is based upon reasons of demonstrable and exceptional hardship as distinguished from variations for purposes of the owner's convenience, profit or caprice. The variance is not solely for the owner's convenience, profit or caprice and all conditions relating to granting said variance have been satisfied.

Member Miller seconded the motion, whereupon the motion came on for discussion.

Attorney Garner advised as to past zoning variance applications and changes made to setback regulations pursuant to the May 2012 update of the County's Zoning Regulations.

Upon conclusion of discussion on the motion, Chair called for a roll call vote and the following members voted in favor of said motion: Williamson, Stehno, Brown, Miller, Forch, and Garner. Motion carried.

Member Forch moved to grant the variance requested by Gerald Maris in relation to land located in Part of the NW¼ of the NE¼ of Section 3, Township 3 North, Range 31, West of the 6th P.M., Hitchcock County, Nebraska for construction of a three stall garage in the General Agricultural District based on the above listed findings. Member Brown seconded the motion, whereupon the motion came on for discussion. There being no further discussion Chair Garner called for a roll call vote on the motion. The following members voted in favor of the motion: Stehno, Garner, Brown, Forch, Williamson, and Miller. Motion carried

Chair inquired as to Agenda Item #9, new business. There was none. Chair inquired as to Agenda Item #10, old business. There was none.

With no further business, member Forch moved to adjourn. Member Williamson seconded the motion and a roll call vote was taken. The following members voted in favor of the motion: Garner, Williamson, Brown, Miller, Stehno, and Forch. Motion carried.

/s/ Frank Stehnno
Frank Stehno, Secretary

/s/ Margaret M. Pollmann
Margaret M. Pollmann, Recording Secretary